UNITED STATES PATENT AND TRADEMARK OFFICE

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10/815,037	03/26/2004	Miroslav R. Petrov	6570P035	7811

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SAP/BLAKELY	HASSAN, RASHEDUL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/815,037	PETROV ET AL.
	Examiner	**Art Unit**	
	Rashedul Hassan	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>24 April 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-3,5-13,15,16,20,21,23-26,28 and 29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-3,5-13,15,16,20,21,23-26,28 and 29</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>4/24/2007</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required:

Claim 25 recites an "electronically accessible medium" in line 2. The specification

does not provide proper antecedent basis for the claimed "electronically accessible

medium". Absent any evidence of applicant's intent to the contrary, the reasonable

interpretation of an "electronically accessible medium" conveyed to one of ordinary skill

in the art is appropriate tangible physical article or objects under the meaning of 35

U.S.C 101 and the "electronically accessible medium" recited in claims 25-26, and 28-

29 have been interpreted likewise. However, the applicant is encouraged to correct this

deficiency in the disclosure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

Claims 1-3, 5-9, 10, 13, 15-16, 20-21, 23-24, 25-26, and 28-29 are rejected under 35

U.S.C. 102(b) as being anticipated by Melchione et al. (US 2002/0091819 A1) hereinafter

Melchione.

For claims 1 (method), 10 (apparatus), 20 (system) and 25 (an article of

manufacture), Melchione teaches displaying a hierarchical tree structure having one or

more tree nodes in a graphical user interface, each of the one or more tree nodes

representing a resource of an application server (nodes "Agent", "VirusScan for

Win9x", "Demo Application" in Fig. 4 and 5), wherein at least one of the tree nodes

represents a service of the application server ("VirusScan for Win9x" in Fig. 4 and 5);

selecting the tree node representing the service of the application server (selection of

"VirusScan For Win9x" as in Fig. 4 or "E-Mail scan" service as shown in Fig. 5); and

displaying a list of one or more service references associated with the service

represented by the selected tree node in the graphical user interface (multiple service

references as shown in window pane 406B in Fig. 4 and 5); and displaying a

relationship value, for each listed service reference, wherein the relationship value is to

specify whether the listed service reference is to be automatically started when the

service represented by the selected tree node is started (the status of the radio

buttons and check boxes constitute a relationship value that specify whether the

associated service reference is to be automatically started when the service

represented by the selected tree node is started, also see the "Response to

Arguments" of this Office Action).

It is noted that 35 U.S.C 112, sixth paragraph has been invoked for claims 20-24

due to the use of means plus function language used for drafting these claims.

For claim 2, Melchione further teaches displaying the hierarchical tree structure

having one or more tree nodes in the graphical user interface comprises:

displaying the hierarchical tree structure in a first window pane of the graphical

user interface (404A in Fig. 4 and 404B in Fig. 5); and wherein displaying the list of

one or more service references associated with the selected tree node in the graphical

user interface comprises: displaying the list of one or more service references

associated with the service represented by the selected tree node in a second window

pane of the graphical user interface (406A in Fig. 4 and 406B in Fig. 5).

For claims 3 (method), 13 (apparatus), 21 (system) and 26 (article of

manufacture), Melchione further teaches displaying the list of one or more service

references associated with the selected tree node comprises: displaying a service

reference name, for each listed service reference, wherein the service reference name

is to identify the service reference ("Enforce VirusScan for Win9x Policies", "inherit" in

Fig. 4; "Prompt for user action", "Move infected files automatically", "delete infected

files automatically" etc. are considered as names for these service references as

shown in Fig. 5).

For claims 5-6 (method), 15 (apparatus), 23 (system) and 28 (article of manufacture), Melchione further teaches that the displayed relationship value is hard, if the listed service reference is to be automatically started when the service represented by the selected tree node is started (selected status of the radio buttons and check boxes constitutes a hard relationship value); and the displayed relationship value is weak, if the listed service reference is not automatically started when the service represented by the selected tree node is started (unselected status of the radio buttons and check boxes constitutes a weak relationship value).

For claims 7-8 (method) and 29 (article of manufacture), Melchione further teaches displaying the list of one or more service references associated with the selected tree node further comprises: displaying a service reference type for each listed service reference, wherein the service reference type is to specify a service reference type for the listed service reference because displaying the name of each listed service reference also serves as displaying the type of the service reference. As shown if Fig. 4 and 5, the name of the depicted service references specifies the type of the service references as a "service" type.

For claims 9 (method), 16 (apparatus) and 24 (system), Melchione further teaches selecting one of the listed service references; and providing a relationship value for the selected service reference to specify whether the selected service reference is to be automatically started when the service represented by the selected

tree node is started (pointing and clicking the mouse button to activate a radio button or

check box constitutes selecting one of the listed service references and providing a

relationship value).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melchione

in view of Digiorgio et al. (US 2001/0005201) hereinafter Digiorgio.

For claim 11, Melchione does not teach that the graphical user interface is a

Swing-based graphical user interface. However, the Java Swing technology was well

known and widely used technology in the art for creating graphical user interface at the

time of the invention. Digirgio teaches displaying a GUI using Java Foundation Classes

(JFC) that uses "Swing" ([0052]). Therefore, it would have been obvious for a person of

ordinary skill in the art at the time of the invention to modify Melchione's teaching with

that of Digiorgio to utilize a Swing-based graphical user interface. The motivation would

have been to achieve portability among various platforms and simplify implementation

(Digiorgio, [0052]).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melchione in view of Ismael et al. (US 6,061,721) hereinafter Ismael.

For claim 12, Melchione does not teach that each of the one or more tree nodes comprises a managed bean to provide a management interface for the represented application server resource. Ismael teaches a bean-based management system that uses managed beans to abstract, control and monitor system resource using a graphical user interface. Therefore, it would have been obvious for a person of ordinary skill in the art at the time of the invention to modify Melchione's teaching with that of Ismael to use managed beans as tree nodes to provide a management interface for the represented application server resource. The motivation would have been to utilize the reusable component feature of a bean object and develop a more flexible network management environment (Ismael, column 2 lines 3-5).

Response to Arguments

The examiner acknowledges and appreciates the amendments submitted on 04/24/2007.

The Applicant has cancelled claims 4, 14, 17-19, 22, 27 and 30.

The Applicant has amended claims 1, 5-7, 9-10, 15-16, 20, 23-25, and 28-29.

Claims 1-3, 5-13, 15-16, 20-21, 23-26, and 28-29 are currently pending.

Based on Applicant's amendment to the specification in response to the

rejections of claims 25-29 in the previous Office Action, and absent any evidence of

applicant's intent to the contrary, it is presumed that the Applicant agrees with the

interpretation of an "electronically accessible medium" as recited in claims 25-26, and

28-29, to be appropriate tangible physical article or objects under the meaning of 35

U.S.C 101. Therefore, previous rejection for claims 25-26, and 28-29 for being directed

to non-statutory subject matter under 35 U.S.C 101 is hereby withdrawn.

Applicant's arguments filed 04/24/2007 have been fully considered but they are

not persuasive.

The Applicant argued that according to Melchione's discloser, the actions

associated with the radio buttons and check boxes (e.g., "Move infected files

automatically", "Delete infected files automatically", etc. which the Examiner relies on as

the claimed "service reference") only occur after the virus scan starts and only if a virus

is actually found. Applicant points out that Melchione clearly illustrates that no action is

taken unless or until a virus is actually found. Therefore, the Applicant concludes that

Melchione does not teach or disclose "the listed service reference is to be automatically

started when the service represented by the selected tree node is started", as recited in

claims 1, 10, 20 and 25.

It appears that the Applicant essentially interprets "when the service represented

by the selected tree node is started" to mean "immediately after" the start of the service

represented by the selected tree node. However, the claim language is not necessarily

limited to such an interpretation. It also appears that the applicant essentially asserts that the automatic start of the listed service reference cannot be dependent on any other condition other than the start of the service reference represented by the selected tree node. But, such limitation is not required by the claim. For example, "It starts to snow <u>when</u> winter arrives" does not necessarily mean that it starts to snow as soon as winter arrives. It can mean, among other things, it starts to snow <u>sometime after</u> winter arrives. It also does not mean that besides being winter season, other conditions cannot be necessary for it to snow. The word "when" here only specifies one of one or more conditions required for the event; that is, among other conditions, it has to be winter season for it to snow. It is apparent that it will also require certain other weather conditions to be present for it to snow as well.

Similarly "the listed service reference is to be automatically started <u>when</u> the service represented by the selected tree node is started" can be interpreted, in the broadest reasonable interpretation to mean that the listed service reference is automatically started <u>sometime after</u> and <u>if</u> ,besides other conditions, the service represented by the selected tree node is started. Nothing in the claim language requires that start of the service represented by the selected tree node has to be the only condition for automatically starting the listed service reference, or that the listed service reference need to start immediately after the start of the service represented by the selected tree node. In order to further clarify the above point, consider the following two statements:

Statement 1: A is automatically started when B is started.

Statement 2: A is automatically started when B is started and if C occurs.

Statement 1 can reasonably be considered to be a true statement for the situation

described in statement 2 since in order for A to automatically start, B has to start too. In

this instance, statement 1 is what has been claimed and statement 2 is the situation that

the reference teaches.

Therefore, even though the actions associated with the radio buttons and check

boxes only occur after the virus scan starts and additionally require that a virus is

actually found, they still meet the claimed limitation because the actions automatically

start when the virus scan is started; that is while the virus scan is running.

Besides the above reasoning, Melchione nevertheless discloses displaying a

relationship value (check box) for a listed service reference (e.g., "Enforce VirusScan for

Win9x Policies", "inherit") which indicates that the service reference is to be started

automatically when the service represented by the selected tree node (e.g., "VirusScan

for Win9x") is started (see Fig. 4). No other condition is required for starting the service

that enforces the VirusScan policy once the VirusScan is started. Therefore, applicant's

argument that Melchione fails to disclose or suggest displaying a relationship value for

each listed service reference, wherein the relationship value is to specify whether the

listed service reference is to be automatically started when the service represented by

the selected tree node is started is moot.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Rashedul Hassan whose telephone number is 571-272-

9481. The examiner can normally be reached on M-F 7:30AM - 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

(Rashedul Hassan)

WEILUN LO
SUPERVISORY PATENT EXAMINER